

**West Mojave Plan
Task Group 1
Green Tree Inn, Victorville
October 4, 2000**

Attendees

Task Group: Ileene Anderson, Marge Balfour, Ray Bransfield, Paul Condon, Michael Connor, Tom Egan, Clarence Everly, Jeri Ferguson, Art Gleason, Mark Hagan, George Hansen, Gerry Hillier, Manuel Joia, Becky Jones, Pete Kiriakos, John W. Kittell, Paul Kober, Gene Kulesza, Vince Lovato, Sophia Merk, Steven Morgan, Lisa Northrop, Lorelei Oviatt, Douglas Parham, Bob Parker, Mickey Quillman, Tim Read, Christie Robinson, Bob Rudnick, Pat Smith, Bill Standard, Bob Strub, Donna Thomas, Barbara Veal, Rob Waiwood (after 1:00), Ed Waldheim, Ric Williams.

West Mojave Team Staff: Chuck Bell (after 1:00 PM), Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer,

Introduction

Bill Haigh opened the meeting and requested changes to the meeting notes for the August 9, 2000 meeting. Ed Waldheim requested that the notes reflect that the Tortoise DWMA boundaries are working boundaries and will be revisited for any final adjustments once the tortoise strategy is agreed upon. No other changes were requested.

Meeting dates: Dates for the next meetings were set as follows:

Task Group 1	Wednesday, 11/1/00 at 9:30 AM - Green Tree Inn, Victorville
	Friday, 12/1/00 at 9:30 AM - Green Tree Inn, Victorville

Supergroup	Wednesday, 12/20/00 at 9:30 AM - Greentree Inn, Victorville
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Mohave Ground Squirrel: Bill Haigh noted that Chapter 3 of the Evaluation Report has been mailed out, and indicated that additional copies are available upon request.

Plant Update: Larry LaPre provided an update on plants. Final recommendations will be mailed to stakeholders by the first week of November.

Letter from Jerry Lewis: Bill Haigh indicated that a letter had been mailed to Supergroup members by Congressman Jerry Lewis. The letter stresses the need for considering the expansion of Fort Irwin in the West Mojave Plan. A copy of the letter was provided to the committee. Mike Connor stated that the Plan to date has not discussed the status of species on any of the military bases located within the plan boundaries. Mickey Quillman commented that if Fort Irwin expands, it will have an effect on the plan. He indicated that the Congressman just wants to

remind the group to keep the expansion in mind and plan for it. Bill Haigh indicated that something should be coming out of Washington regarding this issue shortly.

Subcommittee Reports

BTA Subcommittee: Lisa Northrup (San Bernardino County Planning) presented the subcommittee report. Other committee members included Pete Kiriakos (Sierra Club), Ed LaRue (West Mojave Team), and Paul Condon (California City). Lisa described their understanding of the proposed plan structure and the relationship between the various designations discussed to date (see handout entitled “Overview of West Mojave Plan Preserve Design Designations”). She indicated that the group had difficulty defining the function of the Special Review Areas (SRA’s) and asked Ray Bransfield of the Fish and Wildlife Service (FWS) to clarify his concerns for the two proposed SRAs.

Bransfield stated that the two SRAs (Brisbane Valley and Copper Mountain Mesa) are areas of primarily private land, and not well suited for Tortoise DWMA designation despite relatively high numbers of tortoises. While the proposed SRAs are not well suited for long term conservation, enough tortoises are present that FWS would like a heightened level of environmental review to be required for new projects. Implementation of the SRAs will provide a basis for FWS to find that the level of incidental take is mitigated and minimized to the maximum extent practicable as required by law. It is unlikely these areas would be part of adaptive management solutions for tortoises.

Issues raised during discussion were as follows:

- The West Mojave Plan may result in adjustments to the BLM’s Land Tenure Adjustment program.
- The issue of possible “double-dipping” of mitigation requirements was raised. Concern was expressed that property for which mitigation/compensation was required as a condition of a federal - private land exchange (i.e. as part of an endangered species act (ESA) Section 7 consultation) not be subject to additional mitigation/compensation pursuant to ESA Section 10(a) at a later date, when the property is developed. The mitigation program needs to be flexible enough to take these types of occurrences into consideration.
- Bob Rudnick stated that conservation value should be considered in appraisals. He feels that conservation land is worth a higher price and should be valued accordingly. Pete Kiriakos expressed concern that this approach could result in others going out to purchase land at low prices only to sell to the agencies at high prices later.
- Gerry Hillier indicated that the BTAs may be creating a tier of management that is politically unacceptable. Lisa Northrup explained that the BTAs are considerably smaller than the Managed Use Areas (MUA) in the original Evaluation Report. She indicated that the function of the BTA is to provide heightened environmental review of projects located within the BTA to ensure that the integrity of the adjacent Tortoise DWMA is maintained;

it is not intended to create a new management layer. Mike Connor pointed out that the BTAs were a compromise offered by the counties in lieu of the MUAs. Bill Haigh emphasizes that while the DWMA boundaries have been agreed to, that they will be subject to further “tweaking” after the tortoise strategy is set.

- It was agreed that the BTA subcommittee recommendations would not override other subcommittee recommendations (i.e. minerals and fencing).
- Gerry Hillier objected to the prohibition proposed for landfills within the BTAs if it would preclude the build out of the Barstow Landfill. The group discussed a possible exception for expansions to existing landfills. The Recovery Plan calls for no new landfills within 5 miles of a DWMA, while the subcommittee is recommending no new landfills within 1 mile of a DWMA. Ray Bransfield indicated that the distance criterion may not be necessary if other landfill measures are implemented. He pointed out that current landfill management by San Bernardino County has been effective. This is not necessarily the case in other counties, however.
- Implementation of the BTAs by the BLM on public lands was unclear. This issue needs more thought. Jeri Ferguson pointed out that maps are needed in order to determine how the BTA boundaries interface with OHV open areas.
- Paul Condon indicates that California City may have a problem with trade out issues depending on the final boundary of the BTA in California City. He wants to see maps of the area at 1:60,000 scale. Bill Haigh agreed to provide this map.
- A method of changing BTAs and SRAs over time needs to be formulated. Bill Haigh indicated that adaptive management will be part of the plan and will provide a means for changes to the plan as needed. If removal surveys show no tortoises in areas, then boundaries could be adjusted over time.
- Agreement was not reached on the level of mitigation that should be required by area (see table in handout). Generally the higher the environmental value of an area, the higher the mitigation should be. Ray Bransfield questioned whether “0” was appropriate mitigation for the exclusion zones. The group agreed to address this issue when all other species are considered. It was noted that fee/compensation issues are assigned to other task groups.

General consensus was indicated for the BTA and SRA concepts, as well as for the Subcommittee Report with changes as follows: 1) Incorporate recommendations from other subcommittees into text (i.e. minerals, fencing and survey). 2) Amend table to reflect discussion from other subcommittees. 3) Provide exclusion for Barstow Landfill. Boundaries are working boundaries at this time and subject to refinement. Lisa Northrup will provide an updated report for review prior to the next Task Group 1 meeting.

Fencing Subcommittee: Gerry Hillier gave the report from the Fencing Subcommittee. Subcommittee members included Bob Strub (Trona), Jeri Ferguson (CA4WD), Karen Terry (CalTrans), and Gerry Hillier (Consultant, San Bernardino County). Gerry indicated that Karen Terry now works for the Coastal Commission. The West Mojave may get a new CalTrans representative. Refer to handout entitled “Report of the Fencing Subgroup”.

Gerry Hillier qualified the report by stating that the subcommittee proceeded with the DWMA boundaries as currently defined, even though they have not necessarily been accepted by all parties.

The following issues were discussed:

- **Fencing Costs :** Fencing costs in the report were determined based on Cal Trans contract costs. Becky Jones (California Department of Fish and Game (CDFG)) and Mike Connor stated that the costs they've experienced have been considerably less than indicated in the report. Lorelei Oviatt indicated that she worked on fencing costs with a subgroup three years ago. That group estimated it would cost \$50 million to fence everything identified in the Recovery Plan. She will give the worksheets from that subgroup to Bill Haigh. CalTrans estimates and Tortoise Preserve Committee estimates of costs will also be provided. The subcommittee, expanded to include Mike Connor and possibly a BLM representative, will review the additional information and develop revised costs for the next Task Group 1 meeting. Mike Connor asked that a table with a list of roads and miles of fencing involved be prepared to assist in the consideration.
- **Fencing one versus two sides of roads:** Considerable discussion took place on this issue. The subcommittee recommended installing fencing on one side only of roads which form the boundary of a conservation area. Others on the Task Group expressed concern that fencing a single side of a road would lead to increased mortality of animals on the road and a related increase in raven population. Gerry Hillier indicated that a primary concern for local and state government is the public costs involved with fencing. Peter Kiriakos suggested that the West Mojave Plan seek a line item to fund fencing in the Transportation Efficiency Act. Paul Condon indicated that California City is very concerned about fencing on Mojave-Randsburg Road and the potential costs to developers on the ITA side of the road. Ed LaRue stated that road kill is one of the 22 threats identified in the September '99 Evaluation Report, and that the specific concern of road mortality must be addressed. He also indicated that there has been a demonstrated 88% reduction of mortality of animals along Hwy 58 since the installation of fencing. Becky Jones indicated that both sides of Hwy 395 need to be fenced.
- **Fencing Types:** The group discussed the need to look at different types of fencing for different purposes. Peter Kiriakos suggested that the group identify different types of fences such as shorter tortoise fences along roads, but higher fences in other areas to protect the DWMA's from Russian thistle and urban interface problems such as dogs. Tom Egan indicated that experience with shorter fencing along Fort Irwin Road has shown a higher maintenance cost and he would recommend against their use. Mike Connor asked the group to consider the need for fencing DWMA's at the urban interface, such as California City. He also recommended that the group consider what the Utah preserve has done at the urban interface as they have considered this issue closely. Gerry Hillier expressed concern that fencing around communities would not be politically salable. George Hansen indicated that there are defensive design solutions other than fencing to consider, such as use of landscaping. Ileene Anderson stated she did not see anything

addressing how fencing might be used in the SRA areas. The need to ensure that culverts are included into designs for roads where fencing is placed was also discussed.

Bill Haigh suggested that the fencing committee meet again to review their recommendations in light of the discussion, then meet with Mike Connor and/or Pete Kiriakos to address the questions raised today. Ed LaRue will work with the group and pull in others as needed (e.g. Bill Boarman).

The group recessed for lunch from 12:15 AM to 1:25 PM.

Minerals Subcommittee: Gene Kulesza presented the subcommittee recommendation to the Task Group. Subcommittee members included Gene Kulesza (Riverside Cement), Ray Bransfield (FWS), Mike Rauschkolf (US Borax), Bob Harick (Rand), Rob Waiwood (BLM), and Ken Schulte (BLM). See handout entitled “Minerals Subcommittee Report for October 4, 2000 - Task Group 1 Meeting.”

Gene stated that the subcommittee is recommending replacing the 1% cap on land disturbance in the DWMA with a policy of “no net loss”. This policy would be implemented through compensation at a pre-set ratio (the subcommittee recommended 3:1), with at least one compensation unit involving the restoration or reclamation of pre-disturbed land within the DWMA. The subcommittee members did not agree on the degree of restoration/reclamation that would be required, and deferred this issue to the Task Group for further discussion. The mining community is adverse to restoration as a requirement.

Issues raised during the discussion were as follows:

- Ray Bransfield, FWS, sees this approach as an answer to the problem of what happens when you reach 1%. He would like to get rid of the “no-net-loss” phrase, but feels the concept direction is okay.
- Tim Read, BLM, felt the proposal has merit because people would be able to bank restored lands.
- Becky Jones, CDFG, has problems with the proposal as written. Current compensation ratio used for tortoise compensation varies from 3:1 to 6:1. The Department would not consider land as compensation until actually restored. She pointed out that full restoration could take years.
- Mike Connor expressed concerns. He reminded the group that the tortoise Recovery Plan recommended withdrawal of the Fremont-Kramer DWMA from mineral entry, and that restoration to pre-disturbance conditions be required. He felt that the subcommittee proposal is further from the Recovery Plan's recommendation than the 1% cap is. He asked how many valid mining claims there are within the DWMA's. He also expressed concern that any compensation lands acquired be held for conservation, not for multiple use. Finally, he did not believe that the composition of the mining subcommittee was balanced. Peter Kiriakos agreed with Mike's concerns.
- Rob Waiwood stated that the acreage of lands that can be mined within the DWMA's is

small.

- Lorelei Oviatt suggested considering a two tiered approach that has more stringent requirements above the 1% level. She expressed concern that the 1% cap is arbitrary.
- George Hansen asked how temporary disturbances (i.e. film industry) fit into the policy.
- Ed LaRue questioned how the number of acres of take authorized by the permit would be determined under the proposal. He stated that the 1% cap simplified this calculation.
- Ray Bransfield felt the take acreage could be calculated using growth projections expected over the life of the permit.
- Lisa Northrup felt that the proposal would be more reasonable to implement than the 1% cap, but she felt that it is missing a disincentive for development in the DWMAs.

The Task Group agreed that the proposed alternative to the 1% cap needs further consideration by the group as a whole. They requested that additional data be compiled and provided to them prior to the next Task Group meeting. The following data was requested:

- ▶ **A map showing what mining claims exist within the DWMAs (Rob Waiwood and Nanette Patrini will prepare).**
- ▶ **Information on land disturbance projections and development trends.**
- ▶ **Information on any known or proposed future land disturbance or development within the DWMAs (i.e. Venture Star).**
- ▶ **Copies of consultations done by Fish and Wildlife Service on mining projects (Ray Bransfield to research and provide).**

Tortoise Clearance Survey Subcommittee: Ed LaRue presented the report on behalf of the subcommittee. See handout entitled “West Mojave Plan Subcommittee Meetings and Reports: Tortoise Clearance Surveys”. Ed LaRue (West Mojave Team) and Shirley Hibbetts (Enviro Check) met to discuss this issue; LaRue then prepared the report. Ed feels that the report needs to be reviewed by others who may have a different perspective. The report proposes eliminating the currently required presence/absence surveys in most instances, and requiring only clearance surveys. Areas where 10 years of focused surveys have found few, if any, tortoises would be considered “exclusion zones” (such as in-fill lots and urbanized areas); there would be no survey requirement prior to land disturbance. Ed indicated that there is merit to having presence/absence surveys in certain instances (e.g. when attempting to identify alternative pipeline locations).

The following issues were discussed:

- Mike Connor indicated that survey results should be provided to the implementing team as part of the feedback needed for adaptive management.
- Ray Bransfield had concerns that the implementing team would not be staffed to perform surveys as suggested in the report, and that there could be a problem if government is perceived as “competing” with private consultants. He supports survey zones where they don’t have to do surveys.
- Lorelei Oviatt indicated that there needs to be accountability and ability to perform surveys quickly. She stated that Kern County does not currently require clearance surveys

for ministerial projects, and sees this as a trade-off. The number of people seeking consultants to perform surveys will increase. She would need to see the “exclusion zone” maps in order to give a better estimate of number of permits.

The Task Group conceptually agrees with the proposal. The Exclusion Zone maps are being digitized and will be available at the next Task Group 1 meeting

Headstarting Subcommittee: Becky Jones briefs the Task Group on the concept of headstarting. In addition to Becky, the Headstarting Subcommittee membership included Ed LaRue (West Mojave Team), Mark Hagan (Edwards Air Force Base), Dr. Dave Morafka (Cal State University - Dominguez Hills), Bob Parker (BLM), Mickey Quillman (Ft. Irwin), Ed Waldheim (CORVA) and Robert Williams (Mandala Design Associates). See handout titled “West Mojave Plan Subcommittee Meetings and Reports: Tortoise Headstarting Program”.

Becky described the difference between long and short term headstarting and emphasized that there is no definitive evidence that headstarting works as it takes a long time to determine. The placement of pens used in the program can be land-impacting in the long term, but not over the short term. Mickey Quillman indicates that Fort Irwin currently has a headstarting program. Peter Kiriakos supports the program on a smaller pilot scale, but feels we need more certainty before expanding into large habitat areas. Ed Waldheim emphasized that this is a positive approach and feels it should be supported.

The Task Group agreed that headstarting should be pursued on a pilot basis.

Adjourned at 4:00 PM